



**King County**

**Ron Sims**  
King County Executive

## **CHARTER REVIEW COMMISSION**

*Mark Yango*  
*Charter Review Coordinator*

*701 Fifth Avenue, Suite 3210*  
*Seattle, Washington 98104*

### **King County Charter Review Commission Governmental Structure Subcommittee**

#### **Briefing Paper –Assessing the Charter Review Process**

#### **Table of Contents**

- I. Background
- II. Current Opinion
- III. Options
- IV. Analysis from a National and State Perspective
- V. Final Analysis
- VI. Appendices

#### ***Background***

King County's charter is reviewed at least every ten years by a citizen charter review commission. The commission members are appointed by the Executive and confirmed by the Council. The charter (Section 800) requires that the commission consist of at least 15 members, and that there be at least one member from each council district.

The commission's recommendations are reviewed by the council, which is the only entity that the charter explicitly grants the authority to propose amendments to the voters (though the state Supreme Court has ruled that citizens also are entitled to amend the charter through initiative). Ordinances placing charter amendments on the ballot are not subject to Executive veto or repeal by citizen referendum.

As originally adopted by the voters in 1968, the charter provided that the Executive review or cause it to be reviewed at least once every ten years, and report on any recommended charter changes to the Council. The details of this process were at the Executive's discretion with no legal constraints, requirements or other guidance provided.

As a result of the 1987-88 charter review process, the charter was amended to require appointment of a citizens commission to conduct the review. Nothing prohibits the Executive from reviewing the charter at other times by other methods, however, and the Council may also review the charter at any time by whatever means it chooses.

There has historically been little to no criticism of this review structure. During the 1998 charter review process, however, the charter review commission and many media commentators called for the creation of a citizen initiative process to amend the charter, as a way of balancing the Council's power of amendment.

Even though the initiative process has now been permitted by the State Supreme Court, there appears to be public interest in further extending the citizens' amendment powers. Kurt Triplett, King County Executive Chief of Staff, recently argued that citizen amendment of the charter gives further credence to the idea of expanding the commission's powers, saying that if citizens have the right to amend the charter without Council approval, it would make sense for an appointed citizen commission with explicit charter review duties to have the same right.

### ***Current Opinion***

During the Charter Review Commission (CRC)'s public outreach process, a number of groups and citizens argued that the commission's recommendations should go directly to the voters, rather than through the Council. Six comments supported this option, including Executive Sims, the League of Women Voters, and the Suburban Cities Association. No comments against this proposal have been received.

In addition, one comment advised that commissioners should be elected, and one comment maintained that the Council should be required to vote on all CRC recommendations.

Source	Comment
Brian Derdowski	The commission's recommendations could be put before the voters directly, if a supermajority vote was required.
City of Burien, City Council	The recommendations of the commission should be submitted to the voters as drafted by the commission.
King County Executive Ron Sims	All charter amendments proposed by the Charter Review Commission should go directly to the ballot.
League of Women Voters	Charter Review Commission recommendations to the County Council should be placed automatically on the next general election ballot.
Miriam Helgeland (former Commissioner, 1987)	Would like to see CRC amendments go straight to the ballot.

Suburban Cities Association	The Charter review process should be amended so that the recommendations of the commission must be submitted to the voters as drafted by the commission. This new provision will strengthen the role of the charter review commission. It will guarantee that the work of the commission will be reviewed by the voters.
Goodspaceguy Nelson	Charter Review Commission members should be elected.
Brian Derdowski	The Council should vote on every recommendation the commission puts before them.

No committee or commission has recommended these options, to our knowledge.

### *Options*

Public opinion supported the idea of the CRC recommendations going directly to ballot, and did not specifically call for the election of CRC members (except in one case). However, each of the other home rule county charters calls for elected charter review commissions, all of whose recommendations are sent to the voters.

In addition, for recommendations to go directly to ballot, there may be a legal requirement that charter review commissioners also be elected. The State Constitution states that a home rule charter “may be amended by proposals therefore submitted by the legislative authority of said county to the electors thereof at any general election ... and ratified by a majority of the qualified electors voting thereon.”<sup>1</sup> The issue of legislative authority, and its implications for an unelected commission sending amendments straight to ballot, is being investigated by the Prosecuting Attorney’s Office.

Therefore, we will analyze not only whether the CRC’s recommendations should go directly to ballot, but also whether the CRC should be elected. The combination of these possibilities yields four options:

1. An appointed commission whose recommendations are approved by the Council
2. An appointed commission whose recommendations go directly to ballot
3. An elected commission whose recommendations go directly to ballot
4. An elected commission whose recommendations are approved by the Council

### *Option 1: An appointed commission whose recommendations are approved by the Council*

This is the status quo, as outlined by the Freeholders in the charter.

---

<sup>1</sup> <http://www.leg.wa.gov/LawsAndAgencyRules/constitution.htm>

Arguments in favor of maintaining this structure include:

- Has worked effectively and with little negative comment since the charter's inception
- Legally sound
- Avoids negative aspects of elected positions, such as fundraising and interest group involvement in elections
- Creates an extra layer of protection, in the form of Council review, against changing the charter too easily
- Councilmembers are elected for four-year terms, while CRC appointments are of a limited duration; commissioners therefore probably hear fewer different points of view than councilmembers.

Arguments against maintaining this structure include:

- According to recent public comments, the Council may hold too much control over charter amendments, particularly with regard to amendments that reduce its power. Sending recommendations directly to the ballot would mitigate this problem.
- Appointed commission members may be less accountable and responsive to the public than elected commissioners.

*Option 2: An appointed commission whose recommendations go directly to ballot*

This option is favored by recent public comment. The review structure would remain intact, except that the commission's recommendations would all be placed on the ballot.

Arguments in favor of this option:

- According to recent public comments, the Council may hold too much control over charter amendments.
- Avoids negative aspects of elected positions, such as fundraising and interest group involvement in elections.

Arguments against this option:

- Potential legal roadblock in State law. State law may require that a 'legislative authority' place ordinances or charter amendment on the ballot, and an appointed commission would not be considered a legislative authority
- Appointed commission members may be less accountable and responsive to the public than elected commissioners

*Option 3: An elected commission whose recommendations go directly to ballot*

This review structure is used in every Washington home rule county except King. In each of these counties, the commissioners are elected and all of their recommendations are placed on the next ballot. The public is also granted the explicit right in these counties' charters to initiate charter amendments. Charter amendments in Snohomish, Pierce, San Juan, and Whatcom counties are filed with the council, which then submits the

amendments to the officer in charge of holding elections. In Clallam County, amendments are filed directly with the auditor (director of elections). The councils and auditor do not have the right to remove proposed charter amendments from ballot consideration, however.

Arguments in favor of this option:

- According to recent public comments, the Council may hold too much control over charter amendments.
- Used in all other Washington home rule counties throughout their histories.
- Legally sound
- Elected commission members may be more accountable and responsive to the public than appointed commissioners.

Arguments against this option:

- Problem of under vote: more minor positions, at the bottom of the ballot, tend to get many fewer votes than those at the top of the ballot because voters are less informed and concerned about these races
- Removes extra layer of protection, in the form of Council review, against changing the charter too easily
- Potential politicization of charter review process through elections: interest groups may become involved and sponsor slates of candidates to pursue specific agendas, and fundraising may make commissioners beholden to certain contributors. In Snohomish County's 2006 charter review commission election, the four candidates registered with the Public Disclosure Commission received almost \$32,000 in contributions (see Appendix II)
- An elected commission may not be as balanced and diverse with regard to political party, gender, race/ethnicity, rural/unincorporated area residency, and other factors
- Budget impacts (the cost of conducting elections)
- The cost of running for election may discourage qualified candidates

*Option 4: An elected commission whose recommendations are approved by the Council*

This option has not been suggested by any stakeholder, nor does any Washington county follow this model, but it is included for the sake of completeness.

Arguments in favor of this option:

- Elected commission members may be more accountable and responsive to the public than appointed commissioners
- Maintains extra layer of protection, in the form of Council review, against changing the charter too easily
- Legally sound

Arguments against this option:

- Problem of under vote
- Potential politicization of charter review process through elections

- An elected commission may not be as balanced and diverse
- Budget impacts (the cost of conducting elections)
- The cost of running for election may discourage qualified candidates

### *Analysis from a National and State Perspective*

There are six home rule counties in Washington State: Clallam, King, Pierce, San Juan, Snohomish, and Whatcom counties. Each of the home rule counties has established mechanisms for the review and amendment of its county charter. In each county, the primary mechanism is a Charter Review Commission that meets approximately every decade. In every county but King, the commissioners are elected, and all of their recommendations are placed on the next ballot. The public is also granted the right to initiate charter amendments.

Summary of Washington Charter Review Commission Procedures:

County	Number of commissioners	District representation	Length of term
Clallam	15	5 commissioners elected from each district (3 districts)	1 year
King	At least 15	Appointed; at least one commissioner from each district (9)	Variable
Pierce	21	3 commissioners elected from each district (7)	6 months
San Juan	15-25	Apportioned according to the population in each district (6)	1 year
Snohomish	15	3 commissioners from each district (5)	1 year
Whatcom	15	5 commissioners from each district (3)	1 year

On a national level, most counties comparable to King in population do not have charters. Many comparable counties that do have charters, such as Los Angeles, Alameda, and San Diego counties, do not convene charter review commissions; instead, their Boards of Supervisors hold sole authority to place charter amendments before the voters.

Of those comparable counties that utilize a formal charter review process, a range of practices are found.

In Multnomah County, Oregon, which includes the City of Portland, the Charter Review Committee is comprised of 15 members. Each of the members is an elector who was selected by the state senators and representatives of their senatorial districts. All amendments proposed by the Committee are submitted to the voters of Multnomah County at the primary or general election.<sup>2</sup>

<sup>2</sup> <http://www.co.multnomah.or.us/charter/index.shtml>

Miami-Dade County in Florida recently completed a charter review. Its 2007 Charter Review Task Force was comprised of 21 members. It was made up of the Mayor of Miami, the members of the Miami-Dade County Board of Commissioners, designees from the four largest municipalities, and three members from the Miami-Dade League of Cities. The Task Force was charged with reviewing the Charter and submitting recommendations to the Board of County Commissioners. The Board of Commissioners has the power to select which recommendations will be presented to the voters.<sup>3</sup>

In Orange County, CA, the Charter requires the Board of County Commissioners to appoint a Charter Review Commission to conduct a comprehensive study of County government every four years and to place proposed changes on the ballot. Fifteen County resident volunteers are appointed. The Charter Review Commission places its recommendations directly onto the ballot.<sup>4</sup>

### ***Final Analysis***

A number of prominent organizations and individuals have suggested that the recommendations of future CRCs be presented directly to the voters. Previous criticism of the charter review process centered on the lack of a citizen initiative process to amend the charter. Now that citizens have the right to amend the charter, there appears to be interest in extending the CRC's amendment powers in tandem.

The primary options for changing the process are to elect the CRC and/or to send its recommendations directly to ballot. One option, an appointed commission whose recommendations go directly to ballot, may suffer from significant legal problems.

The option of electing a commission whose recommendations are approved by the Council is legally viable, but this option has no constituency, and electing commissioners raises issues of under vote, interest group involvement in elections, and commission diversity.

The final option, of an elected commission whose recommendations go directly to ballot, potentially has a strong constituency and does not have legal roadblocks. Amending the charter to adopt this process would also put King County in line with the other home rule counties in Washington State. However, it raises the same issues with regard to an elected commission as mentioned above.

Submitted by Corrie Watterson Bryant

---

<sup>3</sup> <http://www.miamidade.gov/charterreview/>

<sup>4</sup> <http://www.orangecountyfl.net/cms/GOVERN/crc/default.htm>

## ***Appendices***

### ***Appendix 1: Washington Home Rule Charters: Charter Review Commission Procedures***

#### **Clallam County**

- 15 commissioners
- Elected by district (5 commissioners from each of 3 districts)
- Commissioners meet for one year

Charter language:

#### **ARTICLE XI – CHARTER REVIEW, AMENDMENT AND REPEAL**

##### **Section 11.10: Charter Review Commission**

##### **11.10.10: Election and Period of Office**

Commencing with the state-wide general election in November 2001 and every five (5) years thereafter, the Commissioners shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of fifteen members, five from each county commissioner district. Each member of the Commission shall be a resident of the commissioner district which he or she represents. There shall be no filing fee. There shall be no primary. Persons filing will be elected by district. The member of the Commission who receives the greatest number of votes shall convene the Commission within thirty (30) days of election results being verified by the Auditor's Office. The term of office shall be one year from the date of the election. The Commission need not meet continuously, but may meet at such time and in such places as it deems appropriate upon given public notice.

##### **Section 11.20: Charter Amendment and Repeal**

##### **11.20.10: General Provisions**

Charter amendments may be proposed by the Commission, the County Commissioners or by the public.

##### **11.20.20: Amendments by the Charter Review Commission**

The Commission may propose amendments to the charter by filing such proposed amendments with the Auditor who shall submit the amendments to the voters at the next November election at least 90 days after filing and registration of the amendments.

Source: [http://www.clallam.net/Board/html/board\\_charter.htm](http://www.clallam.net/Board/html/board_charter.htm)

#### **King County**

- At least 15 commissioners
- Appointed; at least one representative from each districts



- Commissioners meet for a variable length of time

Charter language:

#### Section 800 Charter Review and Amendments.

At least every ten years after the adoption of this charter, the county executive shall appoint a citizen commission of not less than fifteen members whose mandate shall be to review the charter and present, or cause to be presented, to the county council a written report recommending those amendments, if any, which should be made to the charter. This citizen commission shall be composed of at least one representative from each of the county council districts.

The county council may propose amendments to this charter by enacting an ordinance to submit a proposed amendment to the voters of the county at the next general election occurring more than forty-five days after the enactment of the ordinance.

Source: <http://www.metrokc.gov/exec/charter/charter.aspx>

#### **Snohomish County**

- 15 commissioners
- Elected by district (3 commissioners from each of 5 districts)
- Commissioners meet for one year

Charter language:

#### Section 8.20 Election and Period of Office

Five years after the adoption of this charter and every ten years thereafter, the county council shall cause an election of a charter review commission, hereinafter referred to as the commission. The commission shall consist of fifteen persons, an equal number from each council district. There shall be no filing fee nor shall there be a primary. The election shall be held at the November general election and candidates shall run on a nonpartisan basis. The member of the commission who receives the greatest number of votes shall convene the commission. The term of office shall be one year. The commission may meet at such times and in such places as it deems appropriate.

#### Section 8.50 Charter Amendments — General Provisions

Charter amendments may be proposed by the commission, the county council or by the public.

#### Section 8.60 Amendments by the Charter Review Commission

The commission may propose amendments to the charter by filing such proposed amendments with the county council who shall submit the amendment to the officer in charge of holding elections.

Source: <http://www.co.snohomish.wa.us/executiv/charter.htm>

## **Pierce County**

- 21 commissioners
- Elected by district (3 commissioners from each of 7 districts)
- Commissioners meet for six months

Charter language:

### **Section 8.20 -- Election and Period of Office**

Within no less than four years, and no more than six years, of the effective date of this Charter, and thereafter at least every ten years, the Council shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of 21 persons, an equal number from each Council district, nominated and elected by position on a non-partisan ballot in accordance with general law. Candidates for the Commission must have been residents of the County for a period of at least five years preceding their election, and must also be registered voters.

There shall be a \$15.00 filing fee. The member of the Commission who receives the greatest number of votes shall convene the Commission. The term of office shall be no more than six months. The Commission may meet at such times and in such places as it deems appropriate upon having given public notice.

### **Section 8.50 -- Charter Amendment, General Provisions**

(1) Charter amendments may be proposed by the Commission, the Council, or the people.

Source: <http://www.co.pierce.wa.us/pc/abtus/ourorg/council/charter.htm>

Charter Review Commission Qualifications Requirements:

- Must have been a resident of the County for a period of at least five years preceding the election.
- Must be a registered voter.
- Must reside in the Council District of the position for which you are filing

<http://www.piercecountywa.org/pc/abtus/ourorg/aud/elections/openoffices/charterreview.htm>

## **San Juan County**

- 15-25 commissioners,
- Apportioned according to the population distribution in the 6 districts
- Commissioners meet for one year

Charter language:

### **Section 8.20 - Election Procedures and Period of Office**

(1) Five (5) years after adoption of this Charter and at least every ten (10) years thereafter, the Legislative Body shall cause an election of a CRC.

(a) The CRC shall consist of fifteen to twenty-five (15-25) persons. The number of CRC members for each district shall be apportioned according to the population distribution in each Legislative Body district.

(b) Candidates for the CRC must be registered voters who have been residents of the County for at least five (5) years preceding their election.

(c) There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot.

(d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting.

(e) The term of office shall be one (1) year.

(f) The CRC shall meet at such times and in such places as it deems appropriate upon having given public notice.

### **Section 8.30 - Charter Amendment - General Provisions**

Charter amendments may be proposed by the CRC, the Legislative Body or by the public.

### **Section 8.32 - Amendments by the Charter Review Commission**

The CRC may propose amendments to the Charter by filing such proposed amendments with the Legislative Body who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments. (d) The member of the CRC who receives the greatest number of votes shall convene the first CRC meeting. (e) The term of office shall be one (1) year.

Source: [www.co.san-juan.wa.us/freeholders/Final.11082005.pdf](http://www.co.san-juan.wa.us/freeholders/Final.11082005.pdf)

## **Whatcom County**

- 15 commissioners
- Elected by district (5 commissioners from each of 3 districts)
- Commissioners meet for one year

Charter language:

### **Section 8.11 - Election and Period of Office.**

At least every ten (10) years after the adoption of this Charter, the County Council shall cause an election of a Charter Review Commission, hereinafter referred to as the Commission. The Commission shall consist of fifteen (15) persons, an equal number from each Council district. There shall be no filing fee nor shall there be a primary. The qualified voters of the respective districts shall vote only for candidates from their district at the general election. Candidates' names shall appear on all ballots as drawn by lot. The member of the Commission who receives the greatest number of votes shall convene the Commission. The term of office shall be one year. The Commission shall meet at such times and in such places as it deems appropriate upon having given public notice. (amended by Referendum 1986; Ord. 93-045; amended by referendum 1995)

Section 8.20 - Charter Amendment - General Provisions.

Charter amendments may be proposed by the Commission, the County Council or by the public.

Section 8.21 - Amendments by the Charter Review Commission.

The Commission may propose amendments to the Charter by filing such proposed amendments with the County Council who shall submit the amendment to the voters at the next November general election at least ninety (90) days after the filing and registration of the amendments.

Source: <http://www.co.whatcom.wa.us/council/code/charter/charter.jsp>

*Appendix 2: Contributions to Charter Review Commission Races, 2000-2007*

<i>Race</i>	<i>Candidates registered with PDC</i>	<i>Total contributions to candidates</i>
Pierce 2005	2	\$3,346
Snohomish 2006	4	\$31,978
Whatcom 2004	1	\$3,725

Source: PDC website